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 15 **DONALD V. RYAN and BARBARA RYAN**

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 **NATIONWIDE MUTUAL INSURANCE**  
 19 **COMPANY,**

20 Plaintiff,

21 v.

22 **DONALD V. RYAN, an individual, and**  
 23 **DOES 1 through 10,**

24 Defendants.

25 **AND RELATED COUNTER-CLAIM**

Case No. 3:12-CV-5000-JST

**STIPULATION and ~~PROPOSED~~ ORDER**  
**re: WAIVER OF COSTS AND WAIVER**  
**OF RIGHT TO APPEAL**

26 Plaintiff/Counter-defendant **NATIONWIDE MUTUAL INSURANCE COMPANY**

27 (hereinafter "Nationwide") and Defendants/Cross-claimants **DONALD V. RYAN and**

28 **BARBARA RYAN ("the Ryans"), and collectively referred to hereinafter as "the Parties," by and**

4822-0447-7728.1

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**STIPULATION and ~~PROPOSED~~ ORDER re: WAIVER OF COSTS AND APPEAL**  
 Case No. 3:12-CV-5000-JST

**LEWIS**  
**BRISBOIS**  
**BISGAARD**  
**& SMITH LLP**  
 ATTORNEYS AT LAW

**FILED**

**NOV 19 2014**

**RICHARD W. WIEKING**  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

through their respective counsel, hereby stipulate as follows:

**RECITALS**

1. On October 22, 2014, the Court entered judgment in favor of Nationwide and against the Ryans.

2. On October 23, 2014, Nationwide filed with the Court its bill of costs in the amount of \$15,477.73.

3. The Parties acknowledge that the Ryans have the right to file a notice of appeal of the Court's judgment.

NOW, THEREFORE, the Parties, by and through their respective counsel of record, do hereby stipulate as follows as request that the Court issue an order in accordance therewith:

**STIPULATION**

1. Nationwide waives its right to recover costs.

2. The Ryans waive their right to appeal the Court's judgment.

Respectfully submitted,

Dated: November 12, 2013

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Julian J. Pardini  
Julian J. Pardini  
Stephen J. Liberatore  
Attorneys for Plaintiff/Counter-defendant  
Nationwide Mutual Insurance Company

Dated: November 12, 2014

WILSON, ELSE, MOSKOWITZ, EDELMAN &  
DICKER LLP

By /s/ John T. Burnite  
John T. Burnite  
Attorneys for Plaintiff/Counter-defendant  
Nationwide Mutual Insurance Company

Dated: November 12, 2014

LAW OFFICES OF JOHN C. McCASLIN

By /s/ John C. McCaslin  
John C. McCaslin  
Attorneys for Defendants/Counter-claimants  
Donald V. Ryan and Barbara Ryan

1 Dated: November 12, 2014

By /s/ Marcus Daniel Merchasin  
Marcus Daniel Merchasin  
Attorneys for Defendants/Counter-claimants  
Donald V. Ryan and Barbara Ryan

5 **ORDER**

6 Based on the foregoing stipulation of the Parties and finding good cause therefor,


7 **THE COURT HEREBY ORDERS AND DECREES that:**

- 8 • Nationwide has waived its right to recover costs;
- 9 • The Ryans have waived their right to appeal the judgment of the Court; and
- 10 • This Court's judgment is considered final upon the execution of this Order.

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12 IT IS SO ORDERED.

13 DATED: 11/19/14

  
John S. Tigar, United States District Judge  
United States District Court  
Northern District of California